

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1005

By: Biggs

7 AS INTRODUCED

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2011, Section 1114, which relates to first
10 and second degree rape; modifying elements of first
11 and second degree rape; and providing an effective
12 date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1114, is
15 amended to read as follows:

16 Section 1114. A. Rape or rape by instrumentation in the first
17 degree shall include:

18 1. Rape committed by a person over eighteen (18) years of age
19 upon a person under fourteen (14) years of age; ~~or~~

20 2. Rape committed upon a person incapable through mental
21 illness or any unsoundness of mind of giving legal consent
22 regardless of the age of the person committing the crime; ~~or~~

1 3. Rape accomplished where the victim is intoxicated by a
2 narcotic or anesthetic agent, administered by or with the privity of
3 the accused as a means of forcing the victim to submit; ~~or~~

4 4. Rape accomplished where the victim is at the time
5 unconscious of the nature of the act and this fact is known to the
6 accused; ~~or~~

7 5. Rape accomplished with any person by means of force,
8 violence, or threats of force or violence accompanied by apparent
9 power of execution regardless of the age of the person committing
10 the crime; or

11 6. Rape by instrumentation ~~resulting in bodily harm is rape by~~
12 ~~instrumentation in the first degree~~ regardless of the age of the
13 victim or the age of the person committing the crime; ~~or~~

14 ~~7. rape by instrumentation committed upon a person under~~
15 ~~fourteen (14) years of age.~~

16 B. In all other cases, rape ~~or rape by instrumentation~~ is rape
17 in the second degree.

18 SECTION 2. This act shall become effective November 1, 2017.

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20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL JUSTICE AND
21 CORRECTIONS, dated 02/08/2017 - DO PASS.